

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ERIC ANTHONY NEPUTE,
individually, and as
Owner of Quickwork LLC; and

QUICKWORK LLC,
a limited liability company,
also d/b/a WELLNESS WARRIOR,

Defendants.

Case No.: 4:21-cv-00437-RLW

**DEFENDANTS' JOINT MOTION FOR
PARTIAL SUMMARY JUDGMENT AS TO CIVIL PENALTIES**

Defendants Dr. Erick Nepute and Quickwork, LLC, pursuant to Rule 56 of the Federal Rules of Civil Procedure and Local Rule 4.01, jointly move for partial summary judgment on Plaintiff's claim for civil penalties. In support of this Motion, Defendants state as follows:

As described more fully in Defendants' accompanying Memorandum in Support and Statement of Uncontroverted Material Fact—which are incorporated herein—summary judgment as to civil penalties is appropriate because Plaintiff lacks evidence to show that Defendants *knowingly engaged* in conduct prohibited by the Covid-19 Consumer Protection Act, Pub. L. No. 116-260, 134 Stat. 1182, Division FF, Title XIV, § 1401(c).

WHEREFORE, Defendants respectfully request that the Court enter and order granting summary judgment on Plaintiff's claim for civil penalties as follows: (1) on all civil penalties claims against Dr. Nepute based on the Disputed Statements, but at a minimum, for any Disputed

Statements dated on or before March 30, 2021, or that were removed in compliance with the May 5, 2021 Consent Order; (2) on all civil penalties claims against Quickwork based on the Disputed Statements, but at a minimum for any Disputed Statements dated on or before April 16, 2021, or that were removed in compliance with the May 5, 2021 Consent Order. Defendants additionally request any other and further relief as the Court deems appropriate.

Dated: September 2, 2022

Respectfully submitted,

McCARTHY, LEONARD &
KAEMMERER, L.C.

THOMPSON COBURN LLP

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CERTIFICATE OF SERVICE

I hereby certify that on September 2, 2022, the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system to all counsel of record.

/s/ Jan Paul Miller